

REMARKS

The Office Action of May 4, 2004 has been received and its contents carefully noted.

The present Amendment forwards a substitute specification that has been prepared in order to improve the idiomatic English of the application and correct inadvertent informalities. Accordingly, the objection to the disclosure, in section 2 of the Office Action, should be withdrawn.

Pursuant to 37 CFR 1.125, the undersigned attorney states that he believes that the attached substitute specification contains no new matter. A copy of the specification that has been marked up to show the changes included in the substitute specification is also attached, along with the substitute specification itself. The Examiner is urged to review the marked-up copy to confirm for himself that new matter has not been added.

The present Amendment also revises the claims to improve their form under U.S. practice. The revisions include changes to claims 8-12 and 13-19 in response to the rejection under the second paragraph of 35 SC 112, in section 3 of the Office Action. It is respectfully submitted that these claims are now suitably definite, so the rejection should be withdrawn.

Turning now to section 5 of the Office Action, the rejection of claims 1-7 and 20 for anticipation by U.S. patent 6,377,614 to Yamashita is respectfully traversed. The reason is that the Yamashita reference is **not prior art** with respect to the present application, as will be discussed in more detail below.

The inventor in the reference is Noboru Yamashita, the same person who is the sole inventor in the present application. Section 5 of the Office Action identifies the

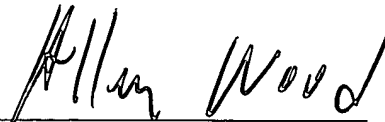
statutory ground of the rejection as 35 USC 102(e), but this section refers to a patent or published application stemming from an application "by another filed in the United States before the invention by the applicant for patent ..." (emphasis supplied). Since the Yamashita patent was not granted on an application "by another" it is not prior art under 35 USC 102(e).

But might the Yamashita patent still be prior art as a publication, under 35 USC 102(b)? The answer here is no, too. The reason is that the Yamashita patent issued on April 23, 2002, which is after the U.S. filing date of the present application.

The Yamashita patent claims the benefit of a Japanese priority application that was filed on May 13, 1999. This means that the priority application was laid open by the Japanese Patent Office in or around November of 2000. But since the present application has a U.S. filing date less than a year later, the laying open of the priority application would not count as a prior art publication under 35 USC 102(b).

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance. Reconsideration of the application is therefore respectfully requested.

Respectfully submitted,



Allen Wood
Registration No. 28,134
Customer No. 23995
(202) 326-0222
(202) 408-0924 (facsimile)

AW:rw